GOVERNMENT OF INDIA
HEALTH AND FAMILY WELFARE
LOK SABHA

UNSTARRED QUESTION NO:2591
ANSWERED ON:06.12.2000
MEDICAL PROFESSION UNDER CONSUMER PROTECTION ACT
SURESH CHANDEL

Will the Minister of HEALTH AND FAMILY WELFARE be pleased to state:

(a) whether the Government have brought the practice of medical profession under the Consumer Protection Act, 1986;

(b) if so, the reasons therefore and the main achievements thereof;

(c) the total number of cases registered under this Act during each of the last three years; and

(d) the corrective steps taken/proposed to be taken by the Government in this regard?

Answer

THE MINISTER OF STATE IN THE MINISTRY OF HEALTH AND FAMILY WELFARE (SHRI A. RAJA)

(a) to (d) Yes, Sir. All services, if rendered for consideration, have been covered under the provisions of the Consumer Protection Act (CPA), 1986. However, as per the judgement of the Supreme Court dated 13th Nov., 1995 the doctors and hospitals that render services without any charge whatsoever would not fall within the ambit of service under section 2(1) (0) of the Consumer Protection Act, 1986. As per the Act, a consumer can file an allegation in writing in a consumer court against a medical practitioner and the consumer court has the power to direct the opposite party to pay such amount as may be awarded by it as compensation to the consumer for the loss and injury suffered by the consumer due to the negligence of the opposite party.

As per the information received from the Department of Consumer Affairs the year-wise information regarding cases filed in consumer courts are not maintained. However, the number of cases filed in National Commission, State Commissions and District Forums, taken together, since inception is 16,02,706.